

## REMARKS

This responds to the Office Action dated August 23, 2005 in this case. Claims 1-60 are pending in the present application. Claims 1 and 31 have been amended.

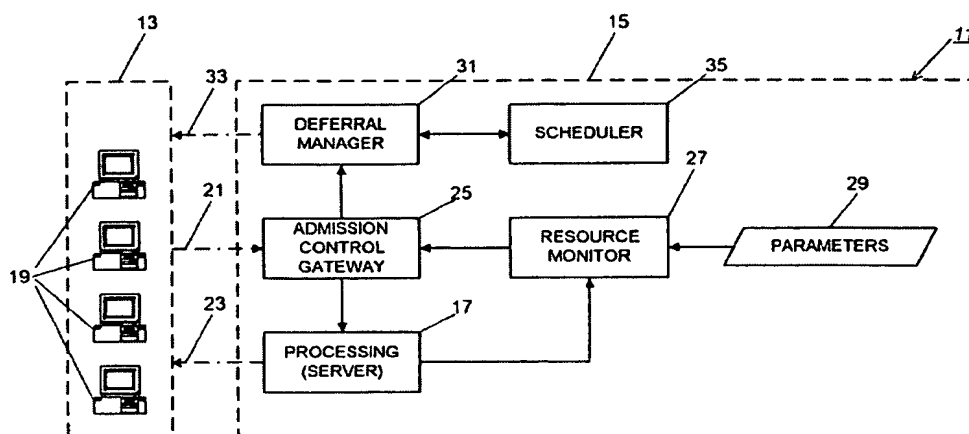
### Rejection of claims under 35 U.S.C 112

In paragraph 3 of the Office Action claims 1 and 31 were rejected for lack of sufficient antecedent basis for the limitation “the scheduler.” In the interest of clarity, applicant has amended claims 1 and 31 to recite “the client-side scheduler,” which refers to and finds antecedent basis in the immediately preceding limitation of “the client-side code registering a request entry with a client-side scheduler.” Applicant respectfully requests that the Section 112 rejection be withdrawn.

### Rejection of claims under 35 U.S.C 102

In paragraph 4 of the Office Action claims 1-3, 20, 22-25, 28-33, 50, 52-55, and 58-60 were rejected as being anticipated by U.S. Patent No. 6,006,269 issued to Phaal (hereafter Phaal) under 35 U.S.C. 102(e). Applicant respectfully disagrees.

Phaal discloses systems and methods that provide an advisory response to the client from the server, even if the server has exceeded its processing capacity while serving requests. The response contains information with approximate time when required capacity on the server would be available to provide the actual response to the client. The system and methods are illustrated in Figure 1 of Phaal reproduced below.



**Figure 1 of Phaal**

In particular, when one of the clients 19 wishes to establish a connection with the processing server 17, the client sends a message 21 to the server 15 (or “the host” as the term

is used in Phaal). The admission control gateway 25, which determines whether to forward the message to the processing server 17 based on the status of the server, processes the message. If the processing capacity of the server has not been exceeded, the admission control gateway forwards the message to the server, which responds to the client with a message 23. Alternatively, if the processing capacity of the server has been exceeded, the admission control gateway forwards the message to the deferral manager 31. The deferral manager makes a determination of the approximate time when the client may be able to gain access to the server and sends a message 33 to the client.

Phaal discloses two main embodiments of the patented admission control system. In one embodiment, the deferral manager sends information with an approximate time when the client would be able to gain access to the server along with a special password. When the client tries to access the server after the specified time with this password, the client receives preferential treatment in accessing the server. (*See, e.g.* col. 2, line 46-col. 3, line 15). In another embodiment, the client has a software module that automatically attempts to reconnect to the server after the time specified by the deferral manager. (*See, e.g.* col. 3, line 16-26).

Turning to the independent claims of the present application, Phaal does not anticipate claim 1 at least because it fails to disclose the limitations of: “the client-side code registering a request entry with a client-side scheduler while the network connection is unavailable;” the limitation of “storing the request entry until a network connection is available for use by the client-side code;” and the limitation of “the client-side scheduler notifying the client-side code that the network connection is available.”

First, Phaal fails to disclose a “client-side scheduler.” The two passages cited in the Office Action in support of the assertion that Phaal discloses “client-side scheduler” relate to: (a) client resident software for use in accessing a host. (Phaal, col. 3, lines 17-18); and (b) an alarm function which continually checks time using a real time clock of the client system to determine time for access to the server (Phaal, col. 12, lines 34-37, 42-51). Providing access to a server is clearly not the same as scheduling, which in general involves determination of the timing or sequencing of events. Likewise, Phaal’s client side alarm function merely checks the time pre-specified at the server-side scheduler and therefore can hardly be described as a scheduler. Note in this regard that Phaal only discloses a server-side scheduler: “a scheduler 35 which together with the deferral manager, calculates a later time when it can be expected that the deferred message can be

processed by the server 17” (Phaal, col. 6, lines 26-29; scheduler 35 is not located at the client, but at the host, Fig. 1 - reproduced above).

But even if one were to assume that the alarm function provided by the client side software disclosed in Phaal is a “client-side scheduler,” the reference clearly fails to disclose the remaining limitations of applicant’s claim 1, which require “the client-side code registering a request entry with a client-side scheduler,” “storing the request entry until a network connection is available for use by the client-side code,” or the “client-side scheduler notifying the client-side code that the network connection is available.” These limitations are neither expressly nor inherently disclosed in Phaal, who is concerned with managing the server’s ability to inform a client when the client can expect to gain admission to a site. Accordingly, Phaal does not anticipate claim 1. Likewise, Phaal does not anticipate system claim 31, as it recites limitations similar to the limitations of claim 1. Accordingly, applicant respectfully submits that independent claims 1 and 31 are patentable over the art of record.

Dependent claims 2-3, 20, 22-25, 28-30, 32-33, 50, 52-55, and 58-60 are believed patentable, because they depend on patentable independent claims 1 and 31, respectively. Applicant respectfully requests that the corresponding art rejections be withdrawn.

#### **Rejection of claims under 35 U.S.C 103**

In paragraph 5 of the Office Action claims 4-8, 10, 18, 34-88, 40 and 48 were rejected under 35 U.S.C. 103(a) as being unpatentable over Phaal in view of U.S. Patent No. 4,949,251 issued to Griffin et al. (Griffin).

Griffin discloses methods and systems for ensuring that in distributed computing environment updates to database records occurs only once. Griffin does not disclose teach, or suggest the use of a client-side scheduler, performing the steps of claim 1 discussed above. Therefore, Phaal and Griffin, individually or in combination, do not disclose, teach or suggest the limitations of applicant’s claim 1 and 31, as discussed above. Therefore, claims 4-8, 10, 18, 34-88, 40 and 48 that depend on patentable claims 1 and 31, respectively, are also believed patentable over the art of record.

In paragraph 6 of the Office Action claims 9, 11, 13-17, 19, 21, 39, 41, 43-47, 49, and 51 were rejected under 35 U.S.C. 103(a) as being unpatentable over Phaal in view of U.S. Patent No. 6,141,759 issued to Braddy.

Braddy discloses systems and methods for distributing, monitoring and managing information requests on a computer network and in particular a computer network including

one or more client computer systems networked to a first server computer system. The first server computer system is also preferably networked to one or more secondary server computer systems. The client computer systems initiate or send information requests to the first server computer system on the computer network. When the client requests are received by the first server computer system, the client requests are intercepted and examined by a request broker software system of the present invention implemented on the first server computer system. The request broker software system acts as a central point to distribute, monitor, and manage information requests received by the first server computer system.” (Braddy, col. 6, lines 11-28).

Braddy does not disclose teach, or suggest a client-side scheduler. The request broker software system on Braddy’s first server processes requests, and there is no processing of requests done at the client. Therefore, Phaal and Braddy, individually or in combination, do not disclose, teach or suggest limitations of claim 1 and 31 of the present application, as discussed above. Therefore, claims 9, 11, 13-17, 19, 21, 39, 41, 43-47, 49 that depend on patentable claims 1 and 31, respectively, are also believed to be patentable over the art of record.

In paragraph 7 of the Office Action claims 12 and 42 were rejected under 35 U.S.C. 103(a) as being unpatentable over Phaal and Braddy as applied to claims 11 and 41, and further in view of the U.S. Patent No. 5,550,971 issued to Brunner et al.

Brunner discloses systems and methods for generating a user interface that is adaptable to various database systems. Brunner does not disclose, teach, or suggest a client-side scheduler with the limitations recited in applicant’s independent claims. Phaal, Braddy, and Brunner individually or in combination, do not disclose, teach or suggest limitations of claim 1 and 31 of the present application, as discussed above. Therefore, claims 12 and 42 that depend on patentable claims 1 and 31, respectively, are also patentable.

In paragraph 8 of the Office Action claims 26-27 and 56-57 were rejected under 35 U.S.C. 103(a) as being unpatentable over Phaal in view of U.S. Patent No. 6,112,183 issued to Swanson et al. (Swanson).

Swanson discloses systems and methods for processing health care transactions through a common interface in a distributed computing environment. In particular, Swanson discloses seamless communication between different computer systems and the data stored within each system through the use of specialized remote procedure calls. However, Swanson does not disclose, teach, or even suggest a client-side scheduler. Phaal and Swanson, individually or in combination, do not disclose, teach or suggest limitations of claim 1 and 31

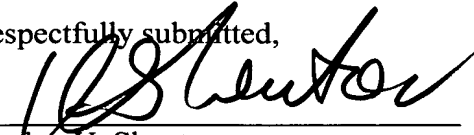
of the present application, as discussed above. Therefore, claims 26-27 and 56-57 that depend on patentable claims 1 and 31, respectively, are also believed to be patentable.

**Conclusion**

On the basis of the above, it is respectfully submitted that the present application is in a condition for allowance. A disposition of this case to that effect is respectfully requested. Should the Examiner have any questions or comments concerning this submission, the Examiner is invited to call the undersigned at the phone number listed below.

Date: December 23, 2005

Respectfully submitted,



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